
HOUSE BILL No. 1479

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-28-1-7; IC 16-28-2.

Synopsis: Nursing home staffing disclosure. Requires a health facility to post and maintain certain information concerning nurse staffing levels at the facility. Requires health facility employees to wear name badges while on duty. Requires Medicaid certified comprehensive care health facilities to comply with the nurse staffing disclosure requirements. Removes a reference to a repealed provision.

Effective: July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Public Health.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1479

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-28-1-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The council shall do
3 the following:

4 (1) Propose the adoption of rules by the department under
5 IC 4-22-2 governing the following:

6 (A) Health and sanitation standards necessary to protect the
7 health, safety, security, rights, and welfare of patients.

8 (B) Qualifications of applicants for licenses issued under this
9 article to assure the proper care of patients.

10 (C) Operation, maintenance, management, equipment, and
11 construction of facilities required to be licensed under this
12 article if jurisdiction is not vested in any other state agency.

13 (D) Manner, form, and content of the license, including rules
14 governing disclosure of ownership interests.

15 (E) Levels of medical staffing and medical services in
16 cooperation with the office of Medicaid policy and planning,
17 division of family and children, and other agencies authorized



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to pay for the services.

(F) Nurse staffing disclosure rules that comply with the requirements under IC 16-28-2-7.5.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

(4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.

(5) Act as an advisory body for the division, commissioner, and state department.

(6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 2. IC 16-28-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. (a) On a form prescribed by the state department, a health facility must post in a prominent place that is accessible to patients and visitors the following information not later than one (1) hour after a nursing staff shift begins:**

(1) The number of staff on duty on each shift for each unit. The posting must list the following separately:

(A) Licensed nursing staff, including registered nurses and licenced practical nurses.

(B) Unlicensed nursing staff, including certified nursing assistants and qualified medication aides.

(2) The full names of the nursing staff on duty, each staff person's job classification, the specific patient rooms under each staff person's care, and whether the staff person is a temporary agency employee.

(3) The number of patients on each unit for each shift.

(4) The nursing staff to patient ratio on each unit for each shift calculated using the following:

(A) Licensed nursing staff.

(B) Licensed and unlicensed nursing staff.

(5) A note that indicates that previous nurse staffing information is available upon request and the location where the information can be obtained.

(6) The name and title of the person who prepared the form.

(b) A health facility must post a form prescribed by the state department:

(1) in a patient's room and in a prominent place that is accessible to patients and visitors; and

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(2) not later than one (1) hour after a nursing staff shift begins;
the full names of the nursing staff on duty during each shift who are responsible for the patient in that room.

(c) The form prepared under subsection (a) must be posted on a publicly accessible Internet web site.

(d) While on duty each employee of a health facility must wear a name tag or badge that is prominently displayed, contains the employee's full name and title, and meets minimum size requirements established by the state department.

(e) A health facility must maintain a notebook that contains nurse staffing data from the previous ninety (90) day period. The notebook must be kept in a location where the notebook is readily accessible to patients and visitors without the assistance of an employee of the health facility.

(f) A health facility must:

(1) keep copies of the form prepared under subsection (a) for three (3) years; and

(2) on request, provide a copy of a form to a patient or visitor. The health facility may charge a copying fee that may not exceed the actual cost of copying. As used in this subsection, "actual cost" means the cost of paper and the per page cost for use of copying equipment and does not include labor costs or overhead costs.

(g) The state department must conduct random audits to ensure that the staffing information required under this section is accurate.

SECTION 3. IC 16-28-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Each **Medicaid certified** comprehensive care health facility shall post a notice that a resident, the legal representative of the resident, or another individual designated by the resident may request from the licensed nurse in charge of each shift information that designates the names of all nursing personnel on duty by job classification for the:

(1) wing;

(2) unit; or

(3) other area as routinely designated by the health facility; where the resident resides: must meet the requirements under section 7.5 of this chapter.

(b) The notice form required under subsection (a) section 7.5 of this chapter must meet the following conditions:

(1) Be posted in a conspicuous place that is readily accessible to residents and the public.

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(2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.

(3) Contain the:

(A) business telephone number of the administrator of the health facility; and

(B) toll free telephone number for filing complaints with the state department.

(4) state that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the information described in subsection (a) form required under section 7.5 of this chapter from the licensed nurse in charge of each shift, the resident, the legal representative of the resident, or another individual designated by the resident may do any of the following:

(A) (1) Contact the administrator of the health facility.

(B) (2) File a complaint with the state department by using the state department's toll free telephone number.

(c) The state department may adopt rules under IC 4-22-2 to carry out this section.

SECTION 4. [EFFECTIVE JULY 1, 2005] (a) Before January 1, 2006, the state department of health, in consultation with the office of the long term care ombudsman, shall prescribe the forms required under IC 16-28-2-7.5, as added by this act.

(b) This SECTION expires January 1, 2006.

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